

S/N 10/765,024

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jacek A Grabiec Examiner: Omkar Deodhar
Serial No.: 10/765,024 Group Art Unit: 3714
Filed: January 26, 2004 Docket: 1842.010US1
Title: GAMING DEVICE AUDIO STATUS INDICATOR

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

The applicant requests review of the final rejection in the above-identified application.

No amendments are being filed with this request.

This request is being filed with a Notice of Appeal.

The review is requested for the reason(s) stated below:

Applicable Law

The reference or references when combined must teach or suggest all the claim elements.

M.P.E.P. § 2142 (citing *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed.Cir. 1991)). “The identical invention must be shown in as complete detail as is contained in the ... claim.”

Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989); MPEP § 2131. “Anticipation requires the presence ... of each and every element of the claimed invention, arranged as in the claim.” *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984) (citing *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983)) (emphasis added).

Grounds of Rejection

Wolf describes a gaming system having a dynamic menu system operable to perform various functions, including setup, configuration, and diagnostic functions as illustrated in Figures 22-26.

Shibasaki describes a photocopier which is operable to provide a voice indication of a malfunction to a user upon some action by the user, such as attempting to operate the copier. Shibasaki does not have different service or configuration modes that are distinct from a user

mode or other mode of normal operation, but uses the voice prompts as a user-friendly method of enabling a relatively unsophisticated user to resolve minor problems such as clearing a paper jam.

The Final Office Action seems to argue that Shibasaki teaches a service mode, but fails to show that any particular part or feature of Shibasaki is a service mode or anything other than a user mode voice prompt. Instead, the Office Action generally argued that a user who is notified of a paper jam through the audio functions but feels incapable of fixing the problem himself will notify an "administrator" (i.e. rather than another user) such that the administrator will clear the paper jam for the user. Applicant notes that clearing a paper jam is typically a user function in a copy machine, and is taught as such in Shibasaki.

Note also that Shibasaki itself does not discuss a system administrator or service personnel, but addresses only instructing users of the copy machine. Further, it is not alleged in the Office Action or taught in Shibasaki that the machine leaves a user mode and enters a service mode at any point, even should a service person for some reason assist in responding to the audible user voice indications that are taught in Shibasaki.

The amended claims, in contrast, clearly recite a wagering game system having a normal user mode in which a user can play a wagering game, and a separate configuration or service mode accessible to a game administrator. The audio module is operable to report game technical information to a game administrator when the game administrator has brought the wagering game machine into the configuration or service mode, but does not report the game technical information to a user while in normal game mode.

Although Wolf describes a service mode, it does not describe a service mode in which game technical information is reported to a game administrator through a voice. Shibasaki does not teach a separate user mode and service mode, but teaches only that voice indications are provided to a user regarding operator tasks such as clearing paper jams. Neither reference therefore teaches reporting information comprising game technical information to a game administrator by a voice played via an audio module while in a service or configuration mode.

Further, neither reference teaches the claimed element of an audio module made operable to report game technical information by a game administrator causing the computerized gaming system to leave the game mode and enter the service or configuration mode, and the Final Office

Action does not allege that such a feature is present in the prior art.

Because Shibasaki does not teach a separate user mode and configuration or service mode, and because it does not teach an administrator placing the machine in a service or configuration mode to make the audio module operable to report technical information, the pending claims are patentably distinct from the prior art. Reexamination and allowance of the pending claims is therefore respectfully requested.

CONCLUSION

The applicant respectfully submits that all of the pending claims are in condition for allowance, and such action is earnestly solicited. The Examiner is invited to telephone the below-signed attorney at (612) 349-9581 to discuss any questions which may remain with respect to the present application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 450, Alexandria, VA 22313-1450 on this 2 day of February 2009.

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